THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 22618 of 2005

Dated: 20-10-2005

Between:

P. Dhanaraju and others.

..Petitioners.

And

The District Collector, Rangareddy District and others.

..Respondents.

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 22618 of 2005

ORDER:

Questioning the action of the third respondent in not receiving the sale deeds executed by the petitioners, on the basis of Circular Rc.No.E2/406/2001 dated 6-2-2001 issued by the District Collector, Rangareddy District (first respondent), petitioner filed this petition alleging that third respondent cannot refuse registration of the sale deeds executed by them, merely on the basis of the circular issued by the first respondent, when there is no notification under Section 22-A of the Registration Act, 1908 (the Act) which laid down that Government may, by notification in the Official Gazette, give directions not to register any particular type of document as being opposed to public policy.

Since no power is vested by the Act in the first respondent to give instructions to the third respondent not to register any particular document, third respondent cannot refuse to register the documents presented by the petitioners, merely on the basis of the instructions issued by the first respondent. He can refuse to register the documents only if there is a notification under Section 22-A of the Act. Similar view was taken in **SRI ATLURI RAVI v. THE DISTRICT COLLECTOR, RANGAREDDY DISTRICT (W.P.NO.8589 of 2005 dated 26-4-2005),** and that view was confirmed by a Division Bench of this Court in **THE DISTRICT COLLECTOR, RANGAREDDY DISTRICT v. SAINATH COOPERATIVE HOUSING SOCIETY LIMITED, HYDERABAD (W.A.NO.1133 of 2004 dated 29-7-2004).**

Therefore, this writ petition is disposed of with a direction to the third respondent not to refuse registration of documents presented by the petitioners on the basis of the circular issued by the first respondent, when there is no notification under Section 22-A of the Registration Act is issued by the Government is published in the official gazette. No costs.

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20-10-2005

Note:

CC by one week.

(Bo)

sj